

AGENDA
CITY OF LINCOLN REGULAR COUNCIL MEETING
JUNE 3, 2013
7:00 P.M.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Public Participation**
5. **Consent Agenda By Omnibus Vote**

All items under the Consent Agenda are considered to be routine in nature and/or non-controversial and will be approved by one motion. If any one wishes to have a separate vote on any item, it will be pulled from the Consent Agenda and voted on separately.

 - 1) Payment of Bills
 - 2) Approve minutes of the May 14, 2013 and May 28, 2013 Committee As a Whole Meetings and May 20, 2013 Regular City Council Meeting
6. **Ordinances and Resolutions**
 - A. Ordinance instituting a hotel-motel operator's occupation tax effective December 1, 2013
7. **Bids**
8. **Unfinished Business**
9. **Reports**
10. **New Business/Communications**
 - A. Approve application by the Humane Society of Logan County for the preliminary and final plat approval and various variations from the City Code to establish a pet cemetery on a portion of the property at 1801 East Lincoln Parkway
 - B. Adopt list of City expectations for Tourism Bureau
 - C. Approval of labor agreement through April 30, 2015 with the Fraternal Order of Police
 - D. Advice and consent to mayoral appointments to boards & commissions
11. **Announcements**
12. **Executive Session**
 - A. Personnel
13. **Adjournment**

We welcome the participation of persons with disabilities at all City of Lincoln meetings. If auxiliary aid or service is required for most effective participation and communication, please notify the City Clerk's Office at 217-735-2815 or CityClerk@cityoflincoln-il.gov no later than 48 hours prior to the meeting time.

CITY OF LINCOLN MEETING NOTICE

CITY COUNCIL CHAMBERS

MONDAY, JUNE 3, 2013

7:00 P.M. REGULAR CITY COUNCIL MEETING
POSSIBLE EXECUTIVE SESSION

TUESDAY, JUNE 11, 2013

7:00 P.M. CITY COUNCIL COMMITTEE AS A WHOLE MEETING
POSSIBLE EXECUTIVE SESSION

MONDAY, JUNE 17, 2013

7:00 P.M. PUBLIC HEARING - REQUEST TO VACATE A
PORTION OF 16TH STREET RIGHT OF WAY

IMMEDIATELY REGULAR CITY COUNCIL MEETING
FOLLOWING
POSSIBLE EXECUTIVE SESSION

TUESDAY, JUNE 25, 2013

7:00 P.M. CITY COUNCIL COMMITTEE AS A WHOLE MEETING
POSSIBLE EXECUTIVE SESSION

Susan K. Gehlbach
City Clerk

Lincoln, Illinois
City Council Committee's Meeting
May 14, 2013

Minutes of the City of Lincoln City Council Committees' Meeting held in the Council Chambers on Tuesday, May 14, 2013.

Those present were Alderman Anderson, Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, Alderman Tibbs, and Alderman Wilmert. Also present were Street Superintendent Mr. Jackson, City Engineer Mr. Forgy, Safety and Building Officer Mr. Lebegue, Fire Chief Miller, American Water/EMC Mgr. Mr. Ferguson, and Police Chief Greenslate. Also present were City Clerk Mrs. Gehlbach, City Attorney Mr. Blinn Bates, City Treasurer Mr. Conzo, City Administrator Ms. McLaughlin, and Recording Secretary Mrs. Riggs.

Mayor Pro Tem Anderson called the meeting to order at 7:00 p.m. There were seven Aldermen present (Alderman Anderson, Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, and Alderman Tibbs) and one absent (Alderman Wilmert).

The Pledge was led recited by all.

Presentation of gifts for the Arbor Day Poster winners:

Mr. Jackson said he would like that on the agenda for Monday, May 20, 2013.

Residents of S. Kickapoo St. re: high speed traffic:

Ms. Lisa Quisenberry spoke about her vehicle being hit again and totaled and the Mayor promised striping and signs and nothing has been done. Mr. Forgy said they have been talking about rumble strips and felt there were concerns about putting speed bumps or caution signs. There was discussion about options. Mayor Pro Tem Anderson said they would get back to Ms. Quisenberry with the decision of what will be done.

Review of Public Works Director Job Description and Ordinance:

Mayor Pro Tem Anderson said the Aldermen had at their desk information to review and will talk about it again.

Draft IGA with State of Illinois for Local Debt Recovery Program:

Ms. McLaughlin said there were just some forms to be filled out. Alderman Carmitchel said to put it on the agenda.

Draft Ordinance creating Special Use Permit in City of Lincoln's Zoning Code:

Mr. Lebegue said he handed out a memo to the Aldermen. This is for a drive through window at any business which would be language for standards and specifications to be put in place. If the City Council would approve this it would have to go to the Zoning Board of Appeals.

Ms. McLaughlin thought it needed to be done. This is just advisory.

Draft Ordinance creating Special Use Permit in City of Lincoln's Zoning Code continued

Mr. Carmitchel asked what they were afraid of. If there are questions you can ask Mr. Lebegue.

Mr. Lebegue said they are also looking at some language to take care of a dead trees on private property which would be a nuisance. There is no language currently in the zoning code.

Draft Fast Track Demolition of 908 Decatur St.:

Mr. Lebegue said this is another house that needs to be demolished. There are critters living there. Looking at taking down the first week of June. It will go on the Consent Agenda.

Vacation of a portion of 16th Street between N. Jackson St. & North Adams St.:

Mr. Forgy said there was a request from a homeowner and saw no reason that it would ever become a paved street. He saw no issue with this.

Ms. McLaughlin said she knew they had talked about vacating right of way. She felt they should charge for the land value. Something for the next one and not necessarily this.

Mayor Pro Tem Anderson said the city should be compensated and not necessarily this one. Mr. Forgy said there would be an Ordinance that Mr. Blinn Bates would draft. It will be on New Business on the agenda.

Agreement with Prairie Engineers for Sewer inventory: Agreement with Prairie Engineers for Sidewalk inventory:

Mayor Pro Tem Anderson said these are in the budget and could be talked together. Mr. Forgy said they would hire interns for the summer and they would do the work. They will then be able to prioritize. This will be put on the Consent Agenda.

Lincoln-Logan County Tourism Bureau expectations:

Mayor Pro Tem Anderson said these were prepared and should be shared with the Tourism Bureau. Alderman Carmitchel said he thought those were what he was thinking of.

Ordinance Amending and Establishing fees:

Ms. McLaughlin said these were some that were talked about during budget time. There would be fees for plats and bond amounts to bring them into line. This will be on the Agenda.

Ordinance Amending the Fine and Penalty language for City ordinances:

Ms. McLaughlin said they are just bringing these up to code.

Mr. Jackson reminded everyone of planting the tree for Arbor Day tomorrow in Shay Park.

Upcoming Meetings:

Council: May 20, 2013 – Council Meeting 7:00 p.m.

Committee as a Whole: May 28, 2013 – 7:00 p.m.

City Council Committee's Meeting

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Alderman O'Donohue moved to go into Executive Session under 5 ILCS 120/2(c)(11) imminent litigation and Alderman Horn seconded it. City Clerk Mrs. Gehlbach called the roll call. There were seven yeas (Alderman Anderson, Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, and Alderman Tibbs) zero nays, and one absent (Alderman Wilmert); motion carried. The meeting adjourned to Executive Session at 7:36 p.m.

The meeting returned to regular Session at 8:45 p.m. City Clerk Mrs. Gehlbach called the roll. There were seven Aldermen present (Alderman Anderson, Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, and Alderman Tibbs) and one absent (Alderman Wilmert). Also present were City Treasurer Mr. Conzo, City Attorney Mr. Blinn Bates, City Clerk Mrs. Gehlbach, City Administrator Ms. McLaughlin, and Recording Secretary Mrs. Riggs.

Alderman made a motion to adjourn the meeting and Alderman Tibbs seconded it. There were seven yeas (Alderman Anderson, Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, and Alderman Tibbs), zero nays, and one absent (Alderman Wilmert); motion carried.

The City of Lincoln Committee's as a Whole Meeting adjourned at 8:17 p.m.

Respectfully submitted,

Risa Riggs, Recording Secretary

MINUTES APPROVED BY CITY COUNCIL AS
RECORDED IN THIS DOCUMENT ON

JUN 03 2013

MAYOR

CITY CLERK

Lincoln, Illinois
City Council Committee's Meeting
May 28, 2013

Minutes of the City of Lincoln City Council Committees' Meeting held in the Council Chambers on Tuesday, May 28, 2013.

Those present were Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, Alderman Tibbs, and Alderman Wilmert. Also present were Street Superintendent Mr. Jackson, City Engineer Mr. Forgy, Safety and Building Officer Mr. Lebegue, Fire Chief Miller, American Water/EMC Mgr. Mr. Ferguson, and Police Chief Greenslate. Also present were City Clerk Mrs. Gehlbach, City Attorney Mr. Blinn Bates, City Treasurer Mr. Conzo, and Recording Secretary Mrs. Riggs.

Mayor Snyder called the meeting to order at 7:00 p.m. There were seven Aldermen present (Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, Alderman Tibbs, and Alderman Wilmert) and one absent (Alderman Anderson).

The Pledge was led recited by all.

Mayor Snyder said they had moved the podium out and replaced it with a desk and microphone.

Humane Society Plat for Pet Cemetery:

Mr. Lebegue went over the Pet Cemetery project. It was unanimously approved at the May 16, 2013 Planning Commission meeting.

Mrs. Marilyn Wheat said she hoped that this would be passed. The plots will be \$250.00 and they will be 3 X 5. All the profits go to the Humane Society. Any animal has to be cremated.

Public Participation:

Pete Helton with D & D Sewer discussed Union Street patch due to a break that has happened. There was discussion about the timing, the settling of the rock and the issue with getting it done and how.

FY 14 Street Project Review:

City Engineer Mr. Forgy went over the projects that were presented: Pulaski Street, Oglesby Avenue (completed bidding documents), South Kickapoo Street (narrow street, rumble strips and markings), brick street repair (not enough bricks until the Pulaski Street project is done), and additional roadway projects (outside consultant Maurer-Stutz, Inc. of Peoria). There was a discussion about how long they have waited to do Pulaski Street. They will be coming at a later date for 5th Street Road project (land acquisition, etc.).

Mayor Snyder thought this was just informational and would not be voted on. Alderman Carmitchel and Alderman Wilmert were concerned and cautious about the rumble strip. Alderman Hoinacki felt the same way. Alderman O'Donohue asked about cameras.

FY 14 Street Project Review:

Police Chief Greenslate said he would have to do some checking to see if Lincoln could get those. Mr. Forgy said they had looked at a sign that tells what they are doing on speed. Alderman Carmitchel asked for this to be looked into.

Detour Route for closing of rail crossing on Logan Street on 5/30-5/31 by the Canadian National Railroad:

Mr. Jackson said the traffic will be rerouted through N. Kankakee to Omaha over to the bottle factory.

Public Works Director Job Description and Ordinance:

Mayor Snyder said Ms. McLaughlin was on vacation this week. Everyone had the information to review. Alderman Carmitchel said he needs more information (what will it change, replace, full-time, part-time, etc.). Mayor Snyder said Prairie Engineers is looking at getting out of the engineering. This person would be over street department and sewer department (oversee sewer contractual and after contract runs out). Alderman Carmitchel said he had other issues for executive sessions.

Lincoln-Logan County Tourism bureau expectations:

Alderman Anderson handed this out two weeks ago. Alderman O'Donohue went over the expectations. Alderman Neitzel said read that the City of Lincoln would have two people on the board.

Alderman O'Donohue said he thought the city should take over the money but continue to fund the tourism bureau but the city take over the money to give out the funds. He wanted to see two members that own hotel/motels. He used Ron Keller as an example. The outlying communities are worried because they don't know the end results and expectations. They should give them until December, 2014.

Mayor Snyder and Alderman O'Donohue are on the search committee. Alderman O'Donohue does get a grant every year. Alderman Wilmert felt they should wait until the time is up. If the expectations are not met then the City will pull the money. Alderman O'Donohue said he was putting this on the agenda and it would either be voted up or down. The Mill is not part of the tourism bureau. Alderman O'Donohue said he thought it was appropriate for the city to have expectations for the tourism bureau. The expectations to go on as a separate item. The first issue is the hotel/motel tax and fund until December 1, 2014. Mayor Snyder said the expectations are good and there was only one brochure from 2010.

Sculpture unveiling: Tuesday, June 4, 2013, 4 p.m., Sangamon Street parking area:

Mayor Snyder said the unveiling will happen at 4:00 p.m. before the Lincoln/Logan County Chamber of Commerce event.

Updates: From the Ground Up.:

Mayor Snyder went over several items: rotary planters out now, Thursday evening they will plant those, Monday, we will have bird houses on display, thanked the fire department for planting around the trees, Mr. Jackson's guys will work on putting the piece back on the steps in front of City Hall, a hidden Lincoln project, schedule painting work date, new mural downtown, and Creative Arts from Lincoln Christian University.

Announcements:

Mr. Jackson said they would start this Wednesday spraying for mosquitoes.

Alderman Tibbs said she got a nice call today about how polite the street department was and thanked the City for their work.

Mr. Forgy said the restoration is not great for the fiber optic cable and he has contacted IDOT.

Upcoming Meetings:

Council: June 3, 2013 – Council Meeting 7:00 p.m.

Committee of Whole: June 11, 2013 – 7:00 p.m.

Alderman Carmitchel moved to go into Executive Session under 5 ILCS 120/2(c)(1) personnel, hiring, firing and discipline and Alderman Horn seconded it. City Clerk Mrs. Gehlbach called the roll call. There were seven yeas (Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, Alderman Tibbs, and Alderman Wilmert) zero nays, and one absent (Alderman Anderson); motion carried. The meeting adjourned to Executive Session at 8:25 p.m.

The meeting returned to regular Session at 8:55 p.m. City Clerk Mrs. Gehlbach called the roll. There were seven Aldermen present (Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, Alderman Tibbs, and Alderman Wilmert) and one absent (Alderman Anderson). Also present were City Treasurer Mr. Conzo, City Attorney Mr. Blinn Bates, City Clerk Mrs. Gehlbach, and Recording Secretary Mrs. Riggs.

Alderman Neitzel made a motion to adjourn the meeting and Alderman Tibbs seconded it. There were seven yeas (Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, Alderman Tibbs, and Alderman Wilmert), zero nays, and one absent (Alderman Anderson); motion carried.

The City of Lincoln Committee's as a Whole Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Risa Riggs, Recording Secretary

MINUTES APPROVED BY CITY COUNCIL AS
RECORDED IN THIS DOCUMENT ON

JUN 03 2013

MAYOR

CITY CLERK

Lincoln, Illinois
May 20, 2013

Minutes of a regular City Council Meeting held in the Council Chambers of City Hall, Lincoln, IL, on Monday, May 20, 2013.

Mayor Snyder called the regular City Council Meeting to order at 7:00 p.m. City Clerk Mrs. Gehlbach called the roll. There were eight Aldermen present (Alderman Anderson, Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, and Alderman Tibbs) and Alderman Wilmert and none absent. Also present were Fire Chief Miller, Street & Alley Superintendent Mr. Jackson, Safety and Building Officer Mr. Lebegue, EMC/American Water Manager Mr. Ferguson, and Police Chief Greenslate. Also present were City Treasurer Mr. Conzo, City Administrator Ms. McLaughlin, City Clerk Mrs. Gehlbach, and Recording Secretary Mrs. Riggs.

The Pledge of Allegiance was said by all.

Public Participation:

Presentation of Arbor Day Winners:

10th Year for Arbor Day
1st place Korynn Huffman
2nd place Ethan Chaney
3rd place Bailey Follis

Swearing in of Jason Banister, Probationary Police Officer :

Mayor Snyder swore in Jason Banister as Probationary Police Officer.

Swearing in of Joy Fulk, Deputy City Clerk:

Mayor Snyder swore in Joy Fulk as Deputy Clerk.

Mayor Snyder called for the Consent Agenda by Omnibus Vote:

Payment of Bills

Approve minutes of the April 23, 2013 Committee as Whole Meeting and May 6 2013 Regular City Council Meeting

Approve Intergovernmental Agreement with State of Illinois for local Debt Recovery Program

Approve fast track demolition of 908 Decatur Street

Approve Agreement with Prairie Engineers for Sewer Inventory

Approve Agreement with Prairie Engineers for Sidewalk Inventory

Alderman Anderson moved to approve the consent agenda as presented and Alderman Horn seconded it. City Clerk Mrs. Gehlbach called the roll call. There were eight yeas (Alderman Anderson, Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, Alderman Tibbs, and Alderman Wilmert,) zero nays, and none absent; motion carried.

Approval of any items removed from the Consent Agenda

There were no items removed from the Consent Agenda.

Ordinances and Resolutions

Ordinance Amending and Establishing fees charged by the city

City Administrator Ms. McLaughlin went over the new fees. Alderman Carmitchel moved and Alderman O'Donohue seconded it. City Clerk Mrs. Gehlbach called the roll call. There were eight yeas (Alderman Anderson, Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, Alderman Tibbs, and Alderman Wilmert,) zero nays, and none absent; motion carried.

Ordinance Amending fine and penalty language for city ordinances

City Administrator Ms. McLaughlin went over the fine and penalty language. Alderman Anderson moved and Alderman Neitzel seconded it. City Clerk Mrs. Gehlbach called the roll call. There were eight yeas (Alderman Anderson, Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, Alderman Tibbs, and Alderman Wilmert,) zero nays, and none absent; motion carried.

Bids:

There were no Bids to come before the City Council.

Unfinished Business:

There was no Unfinished Business to come before the City Council.

Reports:

City Treasurer' Mr. Conzo gave an oral Report for April, 2013 and a copy of the report is on file. Mr. Conzo also went over the Fire and Police Pension Funds.

City Clerk's Report for April, 2013 is on file. City Clerk Mrs. Gehlbach also handed out an Annual Report.

Department Head Reports for April, 2013 are on file.

New Business/Communications:

Approval of MFT revised program management contract with Prairie Engineers

City Administrator Ms. McLaughlin went over the management agreement. Alderman Anderson moved to approve as outlined and Alderman O'Donohue seconded it. City Clerk Mrs. Gehlbach called the roll call. There were eight yeas (Alderman Anderson, Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, Alderman Tibbs, and Alderman Wilmert,) zero nays, and none absent; motion carried.

Lincoln, Illinois
May 20, 2013; Page 3

Approval of Lincoln/Logan County Chamber of Commerce's 100th Anniversary event liquor regulations

Alderman Carmitchel moved to approve and Alderman Neitzel seconded it. City Clerk Mrs. Gehlbach called the roll call. There were eight yeas (Alderman Anderson, Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, Alderman Tibbs, and Alderman Wilmert,) zero nays, and none absent; motion carried.

Announcements:

Mayor Snyder said he had received a letter from Comcast about a letter they will be sending to all customers about the basic cable changes.

Alderman Wilmert said he spoke with Julie Parker with Animal Control and she has agreed to come to a meeting.

Alderman Wilmert will re-purpose the 2 laptops that are no longer being used.

Alderman Anderson moved to go into Executive Session under 5 ILCS 120/2(c)(2) collective bargaining and Alderman Horn seconded it. City Clerk Mrs. Gehlbach called the roll call. There were eight yeas (Alderman Anderson, Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, Alderman Tibbs, and Alderman Wilmert,) zero nays, and none absent; motion carried. The meeting adjourned to Executive Session at 7:35 p.m.

The meeting returned to regular Session at 8:03 p.m. City Clerk Mrs. Gehlbach called the roll. There were eight Aldermen present (Alderman Anderson, Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, Alderman Tibbs, and Alderman Wilmert) and none absent. Police Chief Greenslate was also present. Also present were Mayor Snyder, City Treasurer Mr. Conzo, City Clerk Mrs. Gehlbach, City Administrator Ms. McLaughlin, and Recording Secretary Mrs. Riggs.

Alderman Neitzel moved to adjourn the meeting and Alderman O'Donohue seconded it. There were eight yeas (Alderman Anderson, Alderman Carmitchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, Alderman Tibbs, and Alderman Wilmert,) zero nays, and none absent; motion carried.

The City Council Meeting was adjourned at 8:04 p.m.

Respectfully Submitted By:

Risa Riggs
Recording Secretary

MINUTES APPROVED BY CITY COUNCIL AS
RECORDED IN THIS DOCUMENT ON

JUN 03 2013

MAYOR

CITY CLERK

ORDINANCE NO. _____

ORDINANCE INSTITUTING A HOTEL-MOTEL
OPERATOR'S OCCUPATION TAX

WHEREAS, the City of Lincoln is a municipal corporation situated in Logan County, Illinois; and,

WHEREAS, the City of Lincoln has certain Ordinances pertaining to Municipal Occupation taxes found in Chapter 5 of Title 3 of the City Code of the City of Lincoln; and,

WHEREAS, the Illinois Municipal Code (65 ILCS 5/8-3-14) allows Municipalities to impose an occupation tax upon hotels within the City Limits of the City of Lincoln; and,

WHEREAS, the City Council believes it is in the best interest of the citizens of Lincoln, Logan County, Illinois, that such hotel occupancy tax be imposed within the City Limits of the City of Lincoln.

NOW, THEREFORE, the City Council of the City of Lincoln, Logan County, Illinois, does hereby amend the City Code in the following regards:

1. That the following Section 5 is hereby added to Chapter 5, Title 3 of the City Code of the City of Lincoln:

"3-5-5: Hotel-Motel Operators Occupation Tax

a) Definitions.

City: The City of Lincoln, an Illinois Municipal Corporation.

City Clerk: The city clerk of the City of Lincoln, Illinois.

Hotel (which includes motel), operator, occupancy, room or rooms, permanent resident, rent or rental, department, and person are hereby defined and shall have the meanings provided in 35 ILCS 145/2 as that section may be in force from time to time.

Return: Any return filed or required to be filed as provided in this article.

Treasurer: The city treasurer of the City of Lincoln, Illinois.

b) Amount of fee.

A tax is hereby imposed upon persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel at the rate of five percent (5%) of the gross rental receipts from such renting, leasing or letting, excluding, however from said gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents of said hotel or motel. That said fee taxes shall be in effect as of December 1, 2013.

However, such tax is not imposed upon the privilege of engaging in any business in interstate commerce or otherwise, which business may not, under the constitution and statutes of the United States, be made the subject of taxation by a municipality

Persons subject to the tax imposed by this section may reimburse themselves for their tax liability under this section by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with any tax imposed under "The Hotel Operators' Occupation Tax Act." (35 ILCS 145/1 et seq.)

The tax herein imposed shall be in addition to all other occupation or privilege taxes imposed by the City of Lincoln, the State of Illinois, or by any municipal corporation or political subdivision thereof.

c) Records to be kept.

Every operator shall keep records of every occupancy and of all rent paid, charged or due thereon and of the tax payable thereon in such form as may be required by regulation prescribed by the city clerk or as otherwise provided in this article. Such records shall be available for inspection and examination for any proper purpose at any reasonable time upon demand by the city clerk or a duly authorized agent or employee of the City and shall be preserved for a period of three (3) years unless the city clerk shall prescribe a shorter period of time. It shall be unlawful for any person to prevent, hinder, or interfere with the city clerk or the duly authorized deputy or representative of the city clerk in the discharge of the duties of the city clerk.

d) Transmittal of Tax Revenue.

The person or persons who own a hotel room within the City of Lincoln shall file tax returns reflecting tax receipts received with respect to each separate hotel, during each month upon forms prescribed by the city clerk. Payments of the tax shall be made to the city clerk on or before the twenty-fifth day of the month succeeding the month for which the tax was due. Notwithstanding the above provision, the first taxing period for the purpose hereof shall commence on December 1, 2013. All subsequent reporting periods shall be full calendar months. At the time of filing said tax returns, the owner shall pay to the city clerk all taxes due for the period to which the tax return applies.

e) Collection.

Whenever any person shall fail to pay any tax due hereunder or penalty, the city clerk shall bring or cause to be brought in the name of the city an action to enforce payment of the tax in any court of competent jurisdiction, together with the costs of such collection.

f) Suspension of Licenses.

If the Mayor of the City, after a hearing held by or for him, shall find that any person has willfully avoided payment of the tax imposed by this ordinance, he may suspend or revoke all city licenses held by such tax evader. The owner shall have an opportunity to be heard at such hearing to be held not less than five (5) days after notice of the time and place of the hearing to be held, addressed to him at his last known place of business. Pending notice, hearing and finding, any license of which he may be possessed may be temporarily suspended. Any suspension or revocation of any license shall not release or discharge the owner from his civil liability for the payment of the tax nor from prosecution for such offense.

g) Proceeds of taxes

All proceeds resulting from the imposition of the tax hereunder, including penalties, shall be paid into the treasury of the city and shall be credited to and deposited in the corporate funds of the city. All such proceeds shall be separately accounted for by the treasurer.

All taxes and penalties received by the city hereunder shall be expended by the city solely to promote tourism, conventions and other special events within the City of Lincoln and otherwise to attract nonresidents to visit the city. The city council will provide by separate means for such expenditures, which methods may be changed from time to time, consistent with the terms of this article and the laws of the State of Illinois."

2. That should any clause, sentence, or paragraph of the above-noted Ordinance be declared invalid by any Court of competent jurisdiction, such invalidity shall not affect any other portion of said Ordinance.

3. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

The vote on the adoption of this Ordinance was as follows:

Alderwoman Anderson	_____	Alderwoman Tibbs	_____
Alderman Wilmert	_____	Alderman Carmitchel	_____
Alderman Hoinacki	_____	Alderman O'Donohue	_____
Alderwoman Horn	_____	Alderwoman Neitzel	_____

Ayes: _____

Nays: _____

Absent: _____

Abstentions: _____

Passed and approved this _____ day of _____, 2013.

CITY OF LINCOLN,

BY: _____
Keith Snyder, Mayor
City of Lincoln, Logan
County, Illinois

ATTEST: _____ (SEAL)
City Clerk, City of Lincoln,
Logan County, Illinois

MEMORANDUM

TO: Mayor Keith Snyder and Members of the City Council

FROM: John R. Lebegue, Building and Safety Official



DATE: May 24, 2013

SUBJECT: Consideration of Request by the Humane Society of Logan County for Preliminary Plat Approval and Final Plat Approval and Various Variations from City Code to Establish a Pet Cemetery on a Portion of the Property at 1801 East Lincoln Parkway.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Humane Society of Logan County has submitted a Preliminary Plat and Final Plat to establish a pet cemetery on a portion of their property located at 1801 East Lincoln Parkway. In addition to the request for Preliminary and Final Plat Approval, given the very unique nature of the pet cemetery use, the following variations from the City Code are also being sought:

Variation from Section 12-7-1(H), Street development along a railroad right-of-way.

Given that no streets are being developed along the railroad right-of-way as part of the proposed development this standard would not apply.

Variation from Section 12-7-5, Minimum standards for street design and right-of-way width. **Given that no streets are being installed, this design standard does not apply.**

Variation from Section 12-8-1 (A-B) Block size determination. **Given that no blocks will be laid out, this standard would not apply.**

Variation from Section 12-8-2 (A-F) Lot size, shape and orientation determination standards. **Given that only burial plots are being developed, lot size, shape and orientation standards would not apply.**

Variation from Section 12-9-12 (A), Sanitary sewer requirements. **Given that no sewers are being installed, the sewer requirement would not apply.**

Variation from Section 12-9-13, water main and fire hydrant requirements. **Given that no fire hydrants or water mains are being installed or required for this development, the water main and fire hydrant requirements would not apply.**

Variation from Section 12-10-1, Tree type, quantity and location requirements. **Given the design of the proposed pet cemetery, the tree type, quantity and location requirements would not apply.**

Following is other relevant information pertaining to the proposed pet cemetery:

Current Zoning Classification of Subject Property: I-2, Heavy Industrial District

Area of Subject Property: 2.3 Acres

Number of Burial Plots being Platted:

Plat 1:	323 Lots
Plat 2:	133 Lots
Plat 3:	149 Lots
Plat 4:	439 Lots
Plat 5:	180 Lots
Total:	1,224 Lots

Compliance with Zoning Code: Pursuant to Section 11-4-2, Uses Permitted, Cemeteries, a cemetery use constitutes a permitted use. On January 17, 2013, the Plan Commission recommended approval of a request by the Humane Society of Logan County to establish a pet cemetery and further recommended approval of the request to amend Section 7-9-1 of the City Code add the property at 1801 Lincoln Parkway to the exceptions listed in Section 7-9-1. On February 4, 2013, the City Council concurred with the recommendations of the Plan Commission, and approved the request of the Humane Society of Logan County to establish a pet cemetery at 1801 Lincoln Parkway and to amend Section 7-9-1 to add the property at 1801 Lincoln Parkway to the exceptions listed in Section 7-9-1. The proposed pet cemetery use is a very unique development that does not neatly fit into the existing Subdivision Ordinance, which created the need to request variation of seven City Code requirements.

Action of Plan Commission: On May 16, 2013, The Plan Commission considered the application of the Humane Society of Logan County for Preliminary and Final Plat Approval and various variations from the City Code to establish a pet cemetery at 1801 W. Lincoln Parkway. Upon consideration, the Plan Commission unanimously approved the request for Preliminary and Final Plat Approval and variations from the City Code. This matter will come before the City Council for consideration and final approval on June 3, 2013.

DOCUMENTS ATTACHED:

1. Preliminary Plat
2. Final Plat

Tourism expectations:

1. The chief elected official of the entity imposing the tax (the county board chairman in the case of the county board and the mayor in the case of the City Council) should appoint the members of the Tourism Board, if there is one, with those appointments confirmed by the legislative body of the entity (the county board or the City Council, as the case may be). That way there is an elected official and an elected body accountable for the results of the imposed tax.
2. The Tourism Board, if there is one, should be of a reasonable size (no more than eleven), must include an appropriate number of representatives of the City of Lincoln and at least two members representing the hotel industry, and must have appropriate term limits on its membership (to ensure adequate turnover and fresh ideas).
3. The Tourism agency must have an updated and periodically reviewed job description for each employee of the agency and must at least annually evaluate the performance of each employee against that job description. If a particularly position is funded with any portion of the hotel/motel tax, the description for that position must include a delineation of the specific duties of that position that will be focused on promoting additional overnight hotel stays.
4. The agency must provide an annual operating plan that outlines activities for the upcoming year, that describes those planned activities broken down by visitors (those coming and spending a day) and overnight guests (those spending one or more nights in a local hotel), and that reports on the results of the prior year's operating plan.
5. Included in that operating plan, the agency should, for each piece of significant property it owns (e.g., the covered wagon, the Mill, etc.), detail an annual capital projects plan that outlines annual maintenance/upkeep costs, any improvements planned for the property for that year, any expected costs to finish developing that property, an annual operating plan for the property, and a thorough description of how each of those costs will be provided.
6. As part of that operating plan, the Tourism agency must define and report its level of involvement with each and every event supported by the agency. Possible levels of involvement might include: "Donor" (where the agency simply contributes a financial amount to the event); "Participating Sponsor" (where the agency contributes financial and has staff and/or board members volunteer at the event); "Host" (where the agency plans, raises funds for, and executes the event).
7. As part of the operating plan, the Tourism agency must define, begin tracking, and over time improve the agency's Return on Investment ("ROI") for the hotel/motel taxes received by the agency.
8. Applications for funding from the agency must include a section where the applicant details how the event will boost overnight hotel stays and how the applicant will track and report the overnight stays generated by the event.